

Attorney Docket No.: FMCE-P078

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Blair et al. .

Serial No.: 10/087,873

Filed: 03/01/2002

For: DEBRIS CAP

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Group Art Unit: 3671

Examiner: T. Beach

Henry C. Query, Jr.
504 S. Pierce Ave.
Wheaton, IL 60187Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**FAX RECEIVED****AUG 20 2003****GROUP 3600**Response to Office Action

This communication is responsive to the Office Action dated May 21, 2003.

Reconsideration of the above-identified application is respectfully requested.

Claim 1 stands rejected under 35 U.S.C. 102(b) as being anticipated by Logan (U.S. Patent No. 3,063,500). With respect to claim 1, however, Logan does not disclose a debris cap. Instead, Logan discloses a protective casing 1 which is anchored into the sea floor around the christmas tree 7. Such a protective casing is not a debris cap, as that term is understood by persons of ordinary skill in the art. Therefore, Logan does not anticipate claim 1.

Even assuming, arguendo, that Logan's casing 1 is a debris cap, this casing does not comprise a container which is pre-charged with a corrosion inhibitor and/or a biocide prior to installation subsea, as is required by claim 1

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(see claim 1, lines 2-3). Rather, in Logan the casing 1 is charged with a protective oil only *after* the casing and its associated cover 4 are installed over the christmas tree 7 (see column 3, lines 15-18). To be sure, Logan teaches that this oil is introduced into the casing 1 from an *external* source which is connected to the pipe 25 (see *Id.*). Thus, contrary to anticipating claim 1, Logan actually teaches away from claim 1 by disclosing that his casing 1 is charged with oil only after it is installed subsea. Therefore, Logan does not anticipate claim 1.

Claim 7 depends from claim 1 and is therefore patentable over Logan for the reasons stated above.

The Examiner has indicated that claims 2-6, 8 and 9 would be allowed if they are rewritten in independent form to include the limitations of their base and intervening claims. However, these claims depend from claim 1, which as discussed above is patentable over the prior art cited by the Examiner. Therefore, applicants submit that claims 2-6, 8 and 9 do not need to be rewritten.

The prior art made of record but not relied upon has been considered but is not believed to be pertinent to the patentability of the present invention.

In light of the foregoing, claims 1-9 are submitted as allowable. Favorable action is solicited.

Respectfully submitted,



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Date: August 20, 2003

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Patent Attorney At Law

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TO:	Examiner Thomas Beach	FROM:	Henry C. Query, Jr.
COMPANY:	USPTO - Group Art Unit 3671	DATE:	August 20, 2003
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SUBJECT:	U.S. Patent Application No. 10/087,873 ✓ Inventor(s): Blair et al. Filed: 03/01/2002 For: Debris Cap		


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Dear Examiner Beach:

Enclosed in connection with the above-referenced application is a Response to Office Action, which is responsive to the Office Action dated May 21, 2003.

Sincerely,


Henry C. Query, Jr.**OFFICIAL****Certificate of Facsimile Transmission Under 37 CFR 1.8**

I hereby certify that this correspondence, consisting of 3 total pages, is being facsimile transmitted to the U.S. Patent and Trademark Office on August 20, 2003.


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